

Urban Government Autonomy and Good Governance in Ethiopia: The Case of Hawassa City

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Abstract

This article investigates the structure and practical operation of Hawassa City's government institutions using universally accepted yardsticks of good governance as an analytical framework. The analysis of the relevant regional laws has been complemented by fieldwork conducted in the city. The research reveals that Hawassa City has been legally endowed with important powers and responsibilities, the autonomous exercise of which, guided by the principles of good governance, should bring about all-round societal development. Yet the research also finds that the quality of governance in the city is negatively affected by a number of factors, one of which is the dominance of the Sidama people in city government institutions. Another important factor is the lack of effective mechanisms of checks and balances, both at horizontal (intra-city) and vertical (city-regional government) level. The research finds that inadequacies in the legal framework, along with aspects of the city's political context, have contributed to this situation. Hence, the study's main recommendations highlight the need for better management of the city's ethnic diversity as well as for strengthening and clarifying horizontal and vertical mechanisms of checks and balance.

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1. Introduction

As one of the nine regions of the Ethiopian federation, the Southern Nations, Nationalities, and Peoples' Region (hereafter the Southern Region) has the power to determine the organization, institutional structure, and competences of its sub-regional or local governments. While its constitution provides for a three-tier local-government organization (composed of zones or special *woreda*, *woreda*, and *kebele*) and determines its institutional structure, powers and responsibilities, it does not include any details about urban local government. Article 45(3) of the Southern Region's constitution merely mandates the regional state council to legislate in this regard.

Their lack of constitutionalization, however, does not reflect the importance of urban local governments. This is rapidly increasing thanks to the fast growth in urbanization throughout the country and region. Such societal dynamics may indicate the need for more flexible legal arrangements, which are offered by the ordinary regional laws or proclamations (rather than constitutionally entrenched provisions) detailing the organization, institutional structure and competences of the urban local governments and that define the complex interaction among the institutions. The relevant Southern Region legal framework has designed urban local governments as decentralized units with important powers and responsibilities, the autonomous exercise of which, guided by the principles of good governance, should bring about all-round development.

Using the regional capital city of Hawassa as a case study, this article investigates how and to what extent city institutions are exercising their legally prescribed powers and responsibilities. It sets out to identify the legal and practical limitations and opportunities in this regard from a good-governance perspective.

In the next section, the article introduces the case study area by describing Hawassa's historical development and outlining its profile. The third section provides an overview of the administrative organization of the city and discusses the structure and operation of the city institutions. Universally agreed-upon principles of good governance, as developed by the UNDP, are used as an analytical tool in this regard. More specifically, the article examines issues of legitimacy (as acquired through participation

and inclusiveness), performance (as assessed using indicators of responsiveness and effectiveness), accountability and transparency as well as equity and rule of law.³ The analysis is informed by a study of the pertinent legal provisions and an assessment of the practice on the ground, which was made on the basis of fieldwork conducted in the city. The section thereafter summarizes the research findings in an overview of the opportunities and challenges for good governance pertaining to the city's institutions and their operation. The last section presents some concluding remarks and makes a number of recommendations.

2. Historical Development and Brief Profile of Hawassa City

Hawassa city, founded in 1952 E.C (Kebede & Alemayehu, 1999, p. 1), is the capital both of the Southern Region and of Sidama Zone Administration, which is one of several ethnic-based local governments in the region. The city is believed to have derived its name from that of Lake Hawassa, which means "wide" in Sidama language (Kebede & Alemayehu, 1999, p. 1). Before the establishment of the city, the land along the edge of the lake was known as "Ada'are", which refers to a grazing field for cattle (Kebede & Alemayehu, 1999, p. 3).

From a historical perspective, the city was established, as envisioned by the-then emperor, Haile Selassie, for the purpose of creating, among other things, a center for tourism and agro-processing industries (Kebede & Alemayehu, 1999, p.5). The latter aim came to fruition with the founding of a commercial state farm on the outskirts of the city. This led, inter alia, to an influx of migrant workers, further diversifying the ethnic composition the city but at the cost of evicting Sidama semi-pastoralists; the ensuing growth of the city has also attracted large numbers of Amhara, in the form of business owners and employees in the city administration (Aalen, 2011, p. 148).

Presently, the city administration has an area of 157.2 square kilometers. It is bordered by Lake Hawassa in the west, Oromia Re-

3 For an overview of the principles of good governance, see Institute on Governance. Retrieved 1 November, 2018 from <https://iog.ca/what-is-governance/>.

gion in the north, and the Sidama Zone *woredas* of Wendogenet and Shebedino to the east and south, respectively. The location of the city – as a territory within the Sidama Zone Administration – coupled with the historical and territorial claims of ethnic Sidama for ever-increasing control and dominance over its politics and resources, undoubtedly places it in a precarious position when it comes to the management of its ethnic diversity.¹ This was once more illustrated in June 2018, when violent conflict along ethnic lines in Hawassa accompanied the renewed Sidama demand for the establishment of a separate Sidama regional state (Tadesse, et al., 2018). In fact, in July 2018, the Sidama Zonal Council voted for separate statehood, a demand submitted to the Southern State Council as per Articles 47 and 39 of the federal and regional constitutions, respectively (Davison, 2018). If the constitutionally prescribed referendum results in a vote in favor of a separate Sidama regional state, the administrative position of Hawassa and the treatment of its ethnically diverse population shall be among the thornier issues confronting the new regional administration.

Based on the result of the 2007 (1999 E.C.) Housing and Population Census, the total population of the city was 258,808.² The projected population of the city administration in 2017/18 (2009 E.C.) has, however, reached 387,087 – of which 254,127 people live in urban areas of the city administration, and the remaining 132,960 reside in the rural areas.³ Much of the city's population growth is attributable to internal migration, the expansion of educational and industrial facilities, and the widening of the city's boundaries to neighboring Sidama Zone *woredas*.

As per the projected population census, no single ethnic group within the city enjoys a 50+1 majority. The Sidama, however, have a large numerical presence accounting for 46 percent of the total population. The next most populous ethnic group is the Amhara, with 15 percent, followed by the Wolayita (14.3%) and Oromo (5%).⁴ Despite their current numerical ascendancy, under previous regimes the Sidama used to be a minority in the city, nu-

1 This situation of the city seems akin to that of Addis Ababa, which is both the capital of the country and Oromia region and an area for which ethnic Oromo are making various historical and territorial claims.

2 See Population census at the *Woreda* level, document on file with the authors.

3 Hawassa City Administration, 2009 E.C. Socio-economic Profile.

4 Ibid.

merically as well as politically.⁵ As Aalen (2011, p. 149) contends, leaving aside Sidama's political dominance, their numerical increase has been driven, inter alia, by the city administration's policy of actively encouraging Sidama settlements. This policy of favoring the Sidama seems to stem from a wish to remedy the historic injustice they faced, since they were allegedly directly or indirectly prevented from inhabiting the city (Aalen, 2011, p. 148). Still, despite the existence of a significant measure that has led to the increase in Sidama numbers, 54 percent of the city population remains non-Sidama.

3. City Institutions: Law, Practice, and Good Governance

The legal framework governing Hawassa and other urban centers in the region has been revised recently by Proclamation No. 167/2017,⁶ which repealed and replaced Proclamation No. 103/2006. As hinted at in the introduction, the legal framework pertaining to urban local government is not entrenched in the regional constitution. Although this lack of constitutionalization does allow for flexible adjustment of legal provisions in response to a rapidly changing societal environment, it simultaneously negatively affects urban local government autonomy. More specifically, the autonomy of the urban local governments is entirely in the hands of the regional lawmaker, while any change in the status of other types of local governments (i.e. the zones or special *woreda*) requires the latter's participation and approval through constitutional amendment.⁷

The new proclamation has introduced a novel categorization of the regional urban centers: Hawassa, which on the basis of the earlier law was designated a "leading city administration", is now called a "regiopolis" city. Pursuant to Article 5(2) of the proclamation, regiopolis cities are administratively subdivided into sub-cities and *kebele*. Accordingly, Hawassa is organized into

5 This is not unique to Hawassa City, since most urban centers in Ethiopia, for various historical and political reasons, are dominated numerically by non-indigenous communities.

6 Proclamation No. 167/2017: The Urban Administration Proclamation No. 167/2017 of the Southern Nations, Nationalities and Peoples' Regional State, *Debab Negarit Gazeta*, 17 February, 2017.

7 Article 125, Southern Constitution.

eight sub-cities⁸ and 32 *kebeles*. It is also endowed with legislative, executive, and judicial powers and institutions (discussed in detail later in this paper).

Whereas the upward accountability of the city was unclear under Proclamation No. 103/2006, Article 7(1) of the new proclamation unequivocally states that the regiopolis city is accountable to the regional government. This implies that the city is not accountable to the Sidama Zone in which territory Hawassa is situated, which differentiates the regiopolis from all other categories of cities that are either accountable to the zones or special *woredaor* to the ordinary *woreda*.⁹

The impetus behind this special status of Hawassa was the political decision made in 2003 to withdraw the administration of Hawassa from the control of the Sidama Zone, a decision that at the time elicited serious protests from the Sidama community (Aalen, 2008). The Sidama feared that the direct accountability of Hawassa to the regional government would lead to loss of control of a city situated in what has been recognized politically and administratively as “their territory”. The alignment – or at least assumed alignment – between territory and ethnicity characterizes the Ethiopian model of state organization, which is rightly described as “ethnic federalism”. Although the anxiety on the part of the Sidama is understandable, one cannot ignore that they constitute only 46 percent of the city’s population,¹⁰ making it mandatory to find a balance between empowerment of the Sidama people and the rights and interests of the non-Sidama residents.

In fact, the complaint of the latter about unfair treatment and Sidama favoritism contributed to the decision to place Hawassa under direct regional control (Aalen, 2008). The direct accountability of the city to the regional government, now clearly included in the law, aims at ensuring that the empowerment of the Sidama in “their city” does not lead to the political marginalization and concomitant violation of the rights and interests of persons belonging to non-Sidama communities. This attempt to balance between the interests of indigenous and non-indigenous communities is reflected in Proclamation No. 167/2017. The Proclamation

8 These sub-cities are Hayek Dare, Menehariya, Tabore, Misrak, Bahile Adarash, Addis Ketema, Hawela-Tula and Mehal.

9 Articles 7(2) and (3), Proclamation No. 167/2017.

10 Hawassa City Administration, 2009 E.C. Socio-economic Profile.

creates wide opportunities for non-indigenous representation and participation in the city's political institutions, yet without neglecting the fear on the part of the indigenous communities of losing control of cities they consider as "theirs". For instance, while the legal provisions regarding the city council (discussed in the next section) guarantee representation of the indigenous community – that is, the Sidama – they do not ensure the latter's domination over the council.

3.1 The City Council: Composition, Competences, and Good Governance

The members of the Hawassa city council are elected through direct elections held every five years. According to Article 14(2) of Proclamation No. 167/2017, the number of councillors is determined by the regional executive council. In terms of the federal electoral law (Article 29(2), Proclamation No. 532/2007), which is also applicable to city council elections, the regional legislature has the mandate to decide the number of representatives from an electoral constituency, taking into account the number of seats in each council. Accordingly, pursuant to Southern Proclamation No. 105/2006,¹¹ for leading city administrations (the former designation for regiopolis cities) such as Hawassa, five representatives shall be elected from each *kebele*. *Kebele* boundaries are, therefore, *mutatis mutandis*, electoral constituencies for city council elections.

The current city council, elected in 2013,¹² has 176 members.¹³ Of these, 160 are directly elected. The remaining 16 members are not directly elected to the city council, but are included in the city council's membership as representatives of the Sidama Zonal Council. The representation of Sidama Zonal Council members in the Hawassa City Council is related to the indigenous representation warranties mentioned above. This can be inferred from Article 14(3) of Proclamation No. 167/2017, which prescribes guaranteed representation¹⁴ in the city council of up to 30 percent for

11 Proclamation No. 105/2006: Proclamation to determine the total number of councillors in each council of the Southern Nations, Nationalities and Peoples' Regional State, *Dehub Negarit Gazeta*, 19 November, 2006.

12 The first city council was elected in 2008. Interview with Zewditu G/ Meskel Bonta, deputy speaker of Hawassa city council, Hawassa, 13 April, 2018.

13 Of the 176 councillors, 111 are male and 65 female.

14 Article 14(3)(a), Proclamation No. 167/2017.

the city's indigenous ethnic groups, unless it be that the latter constitute a numerical majority in the city.

Yet even without the 16 members of the Sidama Zonal Council, the Sidama would have the majority of seats in the city council. Data obtained from the city council indicate that the Sidama hold 130 city council seats, followed by the Wolayita (13 seats), Amhara (10), Oromo (5), Gurage (5), Tigray (4), Hadiya (3), Silte (2), and the Kembata, Gamo, Tembaro, and Dawro (1 each). Although these figures show that representation in the city council is inclusive of the major ethnic groups in the city, they simultaneously reveal a high disproportionality, raising concerns about equitable political participation of non-Sidama residents: the Sidama, who constitute 46 percent of the city's population, hold 74 percent of the seats, whereas the Amhara, who account for 15 percent of the city population, hold 5.6 percent.

This pattern confirms a countrywide trend of political marginalization of non-indigenous ethnic communities, which puts the rights and interests of individuals belonging to non-indigenous groups at serious risk of being violated. One may argue that one of the reasons for the disproportionate representation of the Sidama in the city council is the plurality electoral system, which favors dominant ethnic groups. However, although it is true that the Sidama are the largest ethnic group in the rural *kebeles*, this is not true for the urban *kebeles*, where non-Sidama communities constitute the numerical majority (Gezahegne, 2015). The explanation for Sidama dominance in the city council lies rather in the political context, one in which a dominant ruling party favors indigenous candidates for city council positions.

In the absence of political pluralism, the ruling party's candidate selection automatically determines the composition of the council. The hegemony in the city of the Southern Ethiopian Peoples' Democratic Movement (SEPDM), a member-party of EPRDF, results in all city council seats being held by its members. The legal provisions related to the quorum (two-thirds of the membership) and majorities required for decision-making (ordinary majority)¹⁵ are such that Sidama members are able to make decisions by themselves without engaging non-Sidama representatives, which raises serious concerns about the effective political participation of the latter. The situation runs counter to the objectives of the

¹⁵ Article 16(4)-(5), Proclamation No. 167/2017.

decision in 2003 to place Hawassa under direct regional control, the aim of which was to transform what was basically a Sidama city into a multi-ethnic regional one. Sidama dominance over the city council, which violates good-governance principles such as equity and participation, warrants serious attention, given that the city council has important powers and responsibilities.

Whereas repealed Proclamation No. 103/2006 unequivocally conferred law-making powers on the city council,¹⁶ the current proclamation is ambiguous on this score. Although Article 12(2b) of Proclamation No. 167/2017 mentions the enactment of local laws as one of the powers of the urban centers, Article 15(2a) of the same Proclamation seems to restrain the city council's power in this regard to issuing regulations or directives. Whatever the case, the city council has hitherto enacted a handful of regulations,¹⁷ some of which are or pertain to: regulation of the establishment of the city bus service; regulating public demonstration in the city; determining the height of buildings in the city; controlling noise pollution; controlling the use, protection and determination of a buffer zone for Lake Hawassa; regulating land possession and determining property tax in the city; and determination of initial lease price in the city.¹⁸

The same situation applies to another important determinant of local government autonomy, taxing autonomy. Article 17(2.3) of Proclamation No. 103/2006 allotted autonomous taxing powers to the city council since it gave it the power to "levy, and revise taxes, tariff, and service charges" No such unambiguous taxing power can be found in Article 15 of Proclamation No. 167/2017, which lists the powers of the city council. However, Article 12(2d) of the same Proclamation states that urban centers have the power to

determine their income on the basis of financial law to be issued by the region government; improve, expand and collect tax, tariff and the service payment; invest on the urban center development; [and obtain] credit loan when permitted by the

16 Article 17(2.2) of Proclamation No. 103/2006 stipulates that, "[w]ithout prejudice to the powers conferred upon the Regional State Council under the Constitution, [the city council shall] legislate upon matters not covered by federal and regional laws".

17 Interview with Zewditu G/Meskel Bonta, deputy speaker of Hawassa City Council, Hawassa, 13 April, 2018.

18 These regulations are on file with the authors.

relevant body.

Similarly, Article 51 of the Proclamation stipulates that “[u]rban centers shall have the power to collect their income and invest on development in accordance with the power vested on them by law; the details shall be defined by regulation”. These two provisions, although illphrased, seem to indicate that taxing autonomy does fall within the power of cities. This has been confirmed by Regulation No. 154/2017, which was issued by the Southern Executive Council to implement Proclamation No. 167/2017.¹⁹ Article 65 of this regulation stipulates that the city may introduce new taxes and service charges and determine their tariff. Information provided by the city administration also indicates that Hawassa is financially largely autonomous, since about 85 percent of the total city budget is generated locally.²⁰

The city council has the responsibility to appoint the mayor, the chief executive of the city.²¹ The political party holding the majority of the seats in the city council selects the mayor.²² The mayor selects the other members of the mayor’s committee, the city’s executive body, and submits a list of nominees for approval by the city council.²³ The city governance system is thus parliamentary, a system which also characterizes all the other tiers of government in the country (federal, regional as well as local). The procedure of appointment of the city’s executive body entails the accountability of the executive to the city council. In order to exercise its supervisory mandate and ensure executive accountability, the city council disposes of a number of tools.

The first important tool is the power to approve the city budget and monitor its implementation.²⁴ The power of the city council to assign an auditor and take measures on the basis of the audit report²⁵ supports the council’s supervisory role in this regard,

19 Regulation No. 154/2017: A regulation to provide for the urban centers administration of the Southern Nations, Nationalities and Peoples’ Regional State, *Dehub Negarit Gazeta*, 3 August 2017.

20 Hawassa City Administration, 2009 E.C. Socio-economic Profile; interview with Tewodros Gebiba Geda, mayor of Hawassa City, Hawassa, 13 April, 2018.

21 Article 15(2)(d), Proclamation No. 167/2017.

22 Article 24(1)(a), Regulation No. 154/2017.

23 Article 15(2)(e) and 21(1)(e), Proclamation No. 167/2017.

24 Article 15(2)(i), Proclamation No. 167/2017.

25 Article 15(2)(k), Proclamation No. 167/2017.

albeit that the accountability of the auditor to the mayor²⁶ may make the auditing less than effective. In practice, the budget proposal prepared by the city's executive body (see below for a discussion of the planning and budgeting process) is first discussed by the budget, finance, and audit affairs committee, one of the six standing committees of the city council.²⁷ After being scrutinised by this committee, the budget is approved by the plenum of the council without further remarks.²⁸ As regards the power of the city council to supervise and evaluate the implementation of the budget, the deputy speaker of the city council mentioned to the authors one instance where measures were taken based on the audit report findings. The measures were based on the findings of an adhoc committee established in 2007 E. C. for the purpose of returning public money that had been misappropriated by various city officials.²⁹

As a general rule of check and balance in the city administration, the standing committees review quarterly reports of the executive. The process of review happens in such a way that the executive first submits quarterly written reports of its activities, achievements and challenges; thereafter, the standing committees are supposed to give written feedback on the reports. Should circumstances require, they are also entitled to conduct field visits to assess the reports on the ground, although this rarely happens.³⁰

Another supervisory tool is the power of the city council to subject the mayor and members of the mayor's committee to enquiry.³¹ The focus group discussion with members of the city council revealed that although punitive measures are taken occasionally against members of the executive, the city council, by the mem-

26 Article 52(7), Proclamation No. 167/2017.

27 The six standing committees are the economic affairs standing committee; law, justice and good governance standing committee; budget, finance and audit standing committee; women, children, and youth affairs standing committee; social affairs standing committee; and agriculture and rural development standing committee.

28 Interview with Zewditu G/Meskel Bonta, deputy speaker of the Hawassa City Council, Hawassa, 13 April, 2018; focus-group discussion with members of the city council, Hawassa, 20 April, 2018.

29 Interview with Zewditu G/Meskel Bonta, deputy speaker of Hawassa City Council, Hawassa, 13 April, 2018.

30 Focus group with members of the city council, Hawassa, 20 April, 2018.

31 Article 15(2)(o), Proclamation No. 167/2017.

bers' own admission, is not effective in exercising its supervisory role and holding the executive to account.

A number of contributing factors can be mentioned in this regard. The first is the lack of political pluralism in the city. As mentioned, the SEPDM dominates political space in the city to such an extent that all city council representatives are its members. Alternative political parties have posed so little challenge to the SEPDM that its representatives feel stronger accountability to their party than to the electorate. In such a context, elections do not ensure popular accountability since the electorate has very little prospect of removing unwanted councillors. Furthermore, the SEPDM is characterized by strong party discipline, which has an additional detrimental impact on the willingness of the councillors to represent their respective constituencies' interests effectively.³²

The second factor is the fusion between the legislative and executive institutions engendered by the parliamentary governance system and by the fact that many city councillors are simultaneously members of the city administration. It is no surprise that councillors are reluctant to criticize their administrative superiors.

The third factor preventing the city council from exercising its oversight mandate effectively is that the city councillors lack pecuniary incentives (councillors are not paid) as well as the resources – both material, such as cars and computers, and human, in the form of supporting staff – that are required for them to discharge their responsibilities effectively.³³ Although the city council plays a crucial role in ensuring popular participation, transparency (the meetings of the council are public) and accountability in city governance, the political attention given to it is minimal. This is reflected, inter alia, in the discrepancy between the budget allotted to the executive and that to the city council. The 2009 E. C. socio-economic profile of the city reveals that whereas the budget allotted to the mayor's office was 171 million birr, the city council received just over 3 million birr.³⁴

32 Although this was the case at the time of the fieldwork in Hawassa, EPRDF party discipline appeared to weaken significantly during the ensuing months.

33 Focus group with members of the city council, Hawassa, 20 April, 2018.

34 Hawassa City Administration, 2009 E.C. Socio-economic Profile.

Lastly, it is worth analyzing the relationship between the city council and the regional government. Proclamation No. 167/2017 provides that the city council shall be accountable to the public and to the regional government.³⁵ However, it is not clear to what extent this upward accountability of the city council affects its autonomy. According to the deputy speaker of the city council, all activities of the council are reported to the regional government. The regional council (i.e. the regional state parliament) evaluates the reports and feedback is given accordingly. This process applies to all the urban centers of the region, which come together in single sessions to report and receive feedback.

The deputy speaker stated that this reporting process is much like a consultative session, yet it is unclear to the authors to what extent it can and does encroach upon the autonomy of the city. On the one hand, the fact that the largest part of the Hawassa city budget is generated locally does provide the city with a considerable degree of financial autonomy, limiting opportunities for regional interference in the exercise of its powers and responsibilities (as further discussed below). On the other hand, the fact that all members of both regional and city councils belong to the same party, one hitherto characterized by strong party discipline, may constrain the city's autonomy considerably. However, at the time of writing, the EPRDF and its constituent parties seem to be in a state of flux, and one observes a noticeable dwindling of party discipline (Van der Beken, 2018). It remains to be seen how extensively this trend will affect the SEPDM's internal operations.

3.2 The Mayor and Mayor's Committee: Competences and Good Governance

The chief executive of the city, the mayor, is elected by the city council from among its members.³⁶ The election of the mayor by the city council entails her or his accountability to the city council. Yet the Proclamation stipulates out that the mayor is also accountable to the chief executive or regional president.³⁷ Although such dual accountability is customary in decentralized settings –local autonomy or discretion needs to be checked by hierarchically superior levels of government – the scope of upward accountability is not clarified under Proclamation No. 167/2017.

³⁵ Article 16, Proclamation No. 167/2017.

³⁶ Article 20(1)(a), Proclamation No. 167/2017.

³⁷ Article 20(2), Proclamation No. 167/2017.

For instance, it is not clear whether the mayor can be dismissed by the regional president or what other mechanisms of ensuring accountability are available.

By contrast, under the repealed Proclamation No. 103/2006, the regional executive council had the power to suspend the city council when an act prejudicial to the public interest or that endangers the constitutional order is committed.³⁸ Not only did this provision offer mechanisms for ensuring accountability, it even opened the door for arbitrary regional interference in the autonomy of city governance (Van der Beken, 2017, p. 189). Under the new Proclamation, the only provision referring to city dissolution is Article 17, which stipulates that the city council shall be suspended in accordance with Article 57 of the Southern Constitution. Article 57 includes the possibility for dissolution of the city council upon the initiative of the mayor or in the event that the city executive loses support in the city council.

In a context in which a dominant ruling party administers all levels of government in the region, this legal vagueness allows for expansive regional interference with local government autonomy. The regional president is typically a powerful party official who can use his or her party position to exert undue pressure on the mayor. The accountability of the mayor is thus far more political in nature than it is legal. The recent resignation of the Mayor of Hawassa, Tewodros Gebiba, upon strong pressure from the Prime Minister and EPRDF chairman, Abiy Ahmed, illustrates that political accountability, albeit weakened, is still present (Abdu, 2018).

The strong relationship between the mayor and ruling party is also exemplified by the existence and operation in Hawassa of a so-called city coordination committee. This committee, which is wholly informal, meets once a week (whereas the formal mayor's committee meets every month), and is composed of the mayor, the deputy mayor and three SEPDM representatives. The role the committee plays is vague and amorphous, violating the principle of transparency. According to the mayor and deputy mayor, it is responsible for developmental as well as political affairs, whereas the mayor's committee is more of a technocratic body.³⁹

³⁸ Article 19, Proclamation No. 103/2006.

³⁹ Interview with Tewodros Gebiba Geda, Mayor of Hawassa, 13 April, 2018; interview with Tameru Tafe, Deputy Mayor of Hawassa, Hawassa, 20 April,

Bearing in mind the close link between the mayor and the ruling party, the coordination committee undoubtedly has an important impact on decision-making and city autonomy. This serves as further evidence of the ever-increasing desire of the region's ruling party to place everything under its tight control, to the extent of determining, more so than any other body does, how the everyday activities of the city are conducted.

Guaranteeing local government autonomy requires that the mayor's upward accountability is clarified and specified to ensure that the legal limitations of regional and political supervision are spelt out unequivocally. Such legal clarity is also necessary to guarantee effective accountability in the event of shifts in political dynamics. Recent developments in the country have shown that strong EPRDF party discipline can no longer be taken for granted. Democratic improvements may lead, furthermore, to the regional and local levels of government being administered in each case by a different political party. In these scenarios, Proclamation No. 167/2017 does not provide the regional government with the necessary tools to supervise cities and hold them to account effectively.

Although the mayor is elected by the city council, the discretion of the council in this regard is constrained by the legal obligation to elect a mayor from among the indigenous representatives. Article 20(1)(b) of Proclamation No. 167/2017 stipulates that when it has been decided by the regional executive council to guarantee seats in the city council to the indigenous community (which is the case in Hawassa, see the discussion above), the mayor has to be selected from that community. This implies that individuals with Sidama identity control both legislative (the city council) and executive institutions (the mayor and the mayor's Committee) in Hawassa. One would therefore be hard-pressed to argue that the aim of the 2003 decision to ensure equitable ethnic political participation has been achieved.

The law has endowed the mayor with important powers and responsibilities, whose exercise – as mentioned previously – is not effectively counterbalanced by the city council. The first important power is directing the city's security affairs.⁴⁰ A second is the selection of the members of the city executive council: the

2018.

40 Article 21(1d), Proclamation No. 167/2017.

mayor's committee (including the deputy mayor). The nominees for the mayor's committee can be members of the city council, but this is not mandatory.⁴¹ The list with nominees has to be submitted for approval to the city council, but party discipline and executive dominance over the council renders this largely a ceremonial affair. Currently, the mayor's committee of Hawassa City consists of 18 members.⁴² Since its ethnic diversity is not guaranteed by law, this body is likely to be dominated by persons with a Sidama identity, since it is a Sidama mayor who submits nominees to a Sidama-dominated city council. Sidama dominance over the mayor's committee is indeed what transpires in practice, as earlier research has revealed (Gezahegne, 2015).

The mayor also recruits the municipality service manager⁴³ and supervises the latter's work.⁴⁴ The municipality manager is responsible, *inter alia*, for employing the workers of the municipality services.⁴⁵ A key element of urban government autonomy is indeed the city's power to administer its civil servants in accordance with government civil service law.⁴⁶ Hawassa City Administration, at its various hierarchies, currently employs 8,724 workers. While recruitment and employment of city civil servants, as argued by the mayor, take place in accordance with the pertinent laws of the civil service, a look at the ethnic composition of the city administration institutions reveals a disproportionate number of Sidama in the city administration.

In 2006 E.C., for instance, out of 6,093 employees in the city's civil service, 62 percent were persons with Sidama identity. By the year 2010, out of 8,724 employees, 66 percent were Sidama.⁴⁷ For an ethnic group that accounts for 46 percent of the total population, the preceding numbers definitely raise serious equity concerns. On top of this, a look at the chosen heads of the various

41 Article 21(3)(a), Proclamation No. 167/2017.

42 Interview with Tewodros Gebiba Geda.

43 The municipality manager is responsible for municipality services, which are defined rather vaguely as services addressing social and economic problems and satisfying the needs of the urban residents.

44 Article 21(1)(f)-(g), Proclamation No. 167/2017.

45 Article 23(1)(f), Proclamation No. 167/2017.

46 Article 12(3), Proclamation No. 167/2017; interview with officials of Hawassa City Civil Service Department.

47 The numerical analysis is based on a document received from the city's human resource and development department; the document is on file with the authors.

departments at the city level shows a similarly disproportionate number of ethnic appointments. For instance, in 2009 E.C., Sidama appointees headed all 13 of the major departments under review.⁴⁸

The mayor is, furthermore, responsible for the preparation and supervision of the implementation of the city's plan and budget.⁴⁹ The preparation of the draft plan and budget is initiated by the city's finance and economic development department. The first step in the draft budget preparation process is that the finance and economic development department invites the other city departments and offices by letter to prepare their budget plan. These plans are then discussed with the finance and economic development department, and once an agreement is reached, the first draft budget is prepared. After a discussion of the draft budget with the mayor, the mayor's committee discusses and finalizes the draft.⁵⁰ It is subsequently the mayor's responsibility to submit the draft budget to the city council for approval.⁵¹

Planning and budgeting are important indicators of local government autonomy, which can be seriously constrained if the local government is unable to generate sufficient revenue to pay for its expenditure. In that scenario, the local government is dependent on external revenue (e.g. regional transfers), which may come with external policy priorities attached. This potential threat to local autonomy is limited in Hawassa in that the city, as mentioned, is able to generate about 85 percent of its revenue. This may allow for locally rooted planning, a supposition which was confirmed – at least as far as the health sector is concerned – in a discussion the authors held with officials of the city's health department.

Popular participation in planning and budgeting should be ensured, inter alia, through the representation of city residents in the city council, which is mandated to approve the plan and budget. Yet several constraints limit the effectiveness of popular participation. As mentioned, the city council is, for various reasons, not effective in supervising the executive. Another factor hinder-

48 Ibid.

49 Article 21(j), Proclamation No. 167/2017.

50 Interview with Tameru Tafe, both head of the Department of Finance and Economic Development and Deputy Mayor of Hawassa, Hawassa, 20 April, 2018.

51 Article 52(2), Proclamation No. 167/2017.

ing the effectiveness of popular participation is the lack of equitable and inclusive representation in the city council, in both ethnic and political terms. Sidama dominance and exclusive SEPDM representation in the city council have already been mentioned. This could lead to planning and budgeting ignoring or downplaying the interests of non-Sidama residents, as well as to neglecting alternative viewpoints on development. It would amount to a violation of the good-governance principle of responsiveness in serving all stakeholders, residents included, and is likely to be detrimental to the effectiveness of development policies.

Finally, this article draws attention to the power of the mayor to nominate the judges of the city's administrative courts and submit a list of nominees to the city council for approval.⁵²

3.3 The City Administrative Courts

The city administrative courts have a two-level structure, with a court of first instance and an appellate court.⁵³ Under Proclamation No. 167/2017, the city administrative courts have jurisdiction over urban matters such as the implementation of the urban land utilization plan, illegal ownership and construction, environmental sanitation and sound pollution, municipality services, the utilization of open spaces, and managing and disposing of sewerage.⁵⁴ The city administrative courts thus have the mandate to oversee the legality of actions of the executive and hold the latter to account, which constitutes a crucial check and balance and means of ensuring the rule of law in the city.

The region legally established City Courts through Proclamation No. 62/2003,⁵⁵ even though they were already envisioned by Proclamation No. 51/2002 (the then City Administration Proclamation of the region).⁵⁶ Proclamation No. 62/2003 founded them as city administrative courts distinct from regular courts both in terms of material and territorial jurisdiction. Later, the

52 Article 21(1)(h), Proclamation No. 167/2017.

53 Article 44(2), Proclamation No. 167/2017.

54 Article 45, Proclamation No. 167/2017; Article 61, Regulation No. 154/2017.

55 Proclamation No. 62/2003: Southern Nations, Nationalities and Peoples' Regional State City Court Establishment Proclamation, *Dehub Negarit Gazeta*, 28 June, 2003.

56 Proclamation No. 51/2002, *Dehub Negarit Gazeta*, 21 August, 2002.

regional legislature issued Proclamation No. 68/2004,⁵⁷ which partly amended Proclamation No. 51/2002 and focused on the jurisdiction of city courts and the appointment of their judges. Accordingly, pursuant to this Proclamation, city courts, in addition to entertaining city matters, were also empowered to adjudicate regular court matters, which were the jurisdiction of regular courts.⁵⁸ Because of this, the appointment of the city appellate court president and vice president, as well as of the president of the city first instance court, was made the power of the regional state council, instead of being the power of the city council.⁵⁹ What is more, even the appointment of ordinary judges of the city first instance and appellate courts was given to the state council.⁶⁰

In spite of this, Proclamation No. 167/2017 (of more recent vintage than the abovementioned ones) again recognizes a distinct existence for the city's administrative courts and says nothing about the power of city courts to entertain regular court matters. The same Proclamation also empowers the city council to make the appointment of the presidents and judges at all levels upon the recommendation of the mayor. However, at the time of writing, the state council, as opposed to the city council, was still appointing city court judges. This seriously constrains one of the important powers of the city council.

Issue of equitable representation and participation arise once more when it comes to the ethnic composition of the city judiciary. Although the judicial branch, unlike the legislative arm, does not have a legally guaranteed representation of ethnic groups, the practice on the ground reveals a disproportionate ethnic representation in the composition of the judiciary. For instance, of the 14 judges of the city appellate court, ten are Sidama, followed by Dawro (2), Koyra (1), and Gurage (1). This reveals very uneven ethnic representation in the appointment of judges, one whereby the Sidama hold 71.4 percent of the bench. Again, at the first-instance level, which has 39 appointed judges, 28 are Sidama, followed by Gurage (3), Wolayita (2), Oromo (2), Gofa (2), Hadiya

57 Proclamation No. 68/2004, Southern Nations, Nationalities and Peoples' Regional State City Administrative Amendment Proclamation, *Dehub Negarit Gazeta*, 21 February, 2004.

58 Article 2(42)(1)(2), Proclamation No. 68/2004.

59 Article 2(1)(2)(8), Proclamation No. 68/2004.

60 Article 2(4), Proclamation No. 68/2004.

(1), and Amhara (1), which amounts to a 72-percent representation of ethnic Sidama.⁶¹ It is worth noting too that the presidents of both hierarchies of courts are also ethnic Sidama.

The disproportionate representation of Sidama could be explained perhaps partly by the regulation issued by the Supreme Court of the region setting the criteria for the recruitment and nomination of judges, which provides for language proficiency as one among the necessary requirements for the appointment of judges in the region, including city courts.⁶² Although the requirement of language proficiency for the appointment of judges in the zones and special *woredasis* justifiable and understandable, its purpose is not clear when it comes to the appointment of judges in urban administrations and, indeed, in zones and special *woredas* where the working language is Amharic. An official, in explaining the necessity of the language requirement, argued that even in Hawassa city and its rural administration in particular, the requirement of language proficiency is important because most of the rural-area residents of the city are Sidama. For this reason, judges appointed in the rural areas of the city must be ethnic Sidama. However, for other appointments, the language proficiency requirement is not necessary.⁶³ Yet the fact remains that Sidama are overly represented in the judicial system. Ultimately, this can be explained only by the political influence the Sidama have not only at city but regional level, given that it is the state council which appoints city court judges.⁶⁴

Another area worthy of analysis in the criteria set by the regulation is the “opinion of executive bodies” in the process for appointing judges. In the case of city court judges, this refers to the opinions of the mayor, deputy mayor, and special advisor of the mayor. While the opinion of these executive officials on a prospective candidate accounts for only ten percent of the total result, it is highly unlikely that the Judicial Administration Commission would push for the appointment of a candidate in the event of an extremely negative opinion.

61 Data obtained from the City Appellate Court, 2010 E.C.; document on file with the authors.

62 Article 12, Regulation No. 8/2010; on file with the authors.

63 Interview with Ato Henok Mamo Guyale, Judicial Administration Support Work Process Coordinator at the City High Court, Hawassa, 16 April, 2018.

64 The considerable political clout of the Sidama in the Southern Region is illustrated, inter alia, by the fact that four of the five regional presidents since 1992 have been ethnic Sidama.

City courts are in place to check against the executive arm of the city, but the involvement of the city executive in the nomination of judges in the manner provided above does not seem a step in the right direction.

The new Proclamation No. 167/2017 offers even less guarantees in this regard since it simply provides that city court judges are appointed by the city council upon the recommendation of the mayor. Yet, as mentioned above, this appointment procedure has not been followed so far. The Proclamation also provides, contrary to what has been the practice hitherto, that the city administrative courts are composed of three judges, of whom only the chairperson is a legal professional: the other two judges need to be, respectively, an urban planning or engineering professional and a person with a background in social science.⁶⁵

Furthermore, Proclamation No. 167/2017 does not offer legal guarantees as to the impartiality and independence of the city courts. The candidates for judgeship are nominated by the mayor, but the nomination criteria – apart from the professional background of the candidates – are not mentioned, which seems to endow the mayor with unlimited discretionary power. Of course, the mayor's discretion is supposed to be checked by the city council, which has to approve the nominations, but the latter's limited effectiveness in supervising the executive has already been noted.

There are no legal guarantees of ethnic inclusiveness of the courts either. Rather, the whole process of nomination by a Sidama mayor and appointment by a Sidama-dominated city council may result in a preference for judges with Sidama identity (the current practice illustrated above confirms this), which could then engender biased jurisprudence, or at least jurisprudence liable to being perceived as biased. There is, moreover, no possibility for appeal, since the decision on the matter by the city appellate court is final.⁶⁶ The only option for review of such cases is cassation to the regional supreme court.⁶⁷

The above analysis has identified several opportunities for, and challenges to, good governance in Hawassa City's institutions.

65 Article 60, Regulation No. 154/2017.

66 Article 45(3), Proclamation No. 167/2017.

67 Article 45(4), Proclamation No. 167/2017.

These are discussed in the next section.

4. Local Autonomy and Good Governance: Opportunities and Challenges

Proclamation No. 167/2017 has granted significant powers to urban local governments, powers that are exercised through the legislative, executive, and judicial institutions discussed in section 3 of this paper. With regard to the legislative organ – the city council – it has the power to enact local regulations; introduce taxes and determine the tariff of service charges; make key appointments (it appoints the mayor, deputy mayor, members of the mayor’s committee, city administrative court judges); carry out supervisory duties (it can take corrective measures against the executive); and approve the city’s plan and budget. Nevertheless, this study has identified a number of legal and practical challenges from the perspective of good governance.

The first challenge is related to the composition of the city council. Although Proclamation No. 167/2017 guarantees a maximum of 30 percent of council seats to the Sidama people, thereby leaving considerable space for the representation of non-indigenous communities, representatives with Sidama identity hold close to three-quarters of these seats. This means that ethnic representation in the city council is not proportionate, which in turn affects the opportunities for equitable and ethnically inclusive political participation of the city’s residents. Lack of inclusiveness in the city council also limits the representation of alternative political ideas, given that all members of the city council belong to the ruling party, the SEPDM.

The non-equitable representation of non-Sidama ethnic groups and the absence of opposition representation thus limit the effective political participation of the city residents. The existing composition of the city council may engender decisions unduly reflecting and favoring Sidama perspectives and interests, which is detrimental to the good-governance principle of responsiveness in terms of serving all city residents. Furthermore, it negatively affects the quality of political debate and the resultant policy outcomes, since only SEPDM viewpoints are entertained. Another challenge for good governance is the city council’s lack

of effectiveness in discharging its responsibility of supervising the executive.

The limited effectiveness of the city council's oversight of the executive has an evidently negative impact on the downward accountability of the latter. The accountability of the mayor – the chief of the executive – to non-Sidama residents is even more doubtful. The council's approval of the mayor's appointment is not mandatory and it cannot muster amongst itself the necessary majority to sanction the mayor. Yet in practice the limited downward accountability goes paired with a strong upward accountability of the mayor to the regional president. This is so because, in the current political context, both the mayor and the regional president belong to the same political party, which has a strong hierarchical culture. The mayor's accountability is, however, primarily political rather than institutional, since the legal framework does not specify the scope of the mayor's upward accountability to the regional president.

The close link between the mayor and the ruling party is also exemplified by the existence and operation of a city coordination committee, a wholly informal body that appears to be responsible for advancing the ruling party's interests in the city. The lack of legal clarity in this regard runs counter the objective of transparent decision-making. It also holds dangers for effective oversight by the region of the cities, since shifts in political dynamics could weaken party discipline or even lead to different political majorities at regional and city level. This situation would add weak upward accountability to an existing practice of weak downward accountability. Ineffective horizontal and vertical mechanisms of checks and balance could thus create a favorable environment for the mayor to become a petty dictator, considering the important powers and responsibilities he or she has.

The risk is all the greater given that the third branch of urban local government, the judiciary, does not have the necessary legal guarantees of independence and impartiality to be effective in discharging its responsibility of checking the legality of the executive's actions and holding the latter to account. The lack of effective checks and balances on the exercise of executive power is likely to have a detrimental effect on the rule of law in the city.

5. Conclusion and Recommendations

Hawassa City has been legally endowed with important powers and responsibilities, the autonomous exercise of which, guided by the principles of good governance, should bring about general societal development. This article has identified the main opportunities for and challenges to good governance in the city, doing so on the basis of discussion and assessment of the legal framework of the city's institutions and its practical operation. In conclusion, a number of recommendations are made with a view to improving the quality of governance in the city and thereby contributing to the realization of the city's developmental objectives. Some are legal or technical in nature, while others concern political actors.

The first major challenge identified by the study is Sidama dominance over the city's government institutions. Although the location of Hawassa in Sidama territory justifies measures to protect Sidama interests (at least according to the ethnic-territorial mindset characterizing the Ethiopian administrative organization), this article argues nonetheless that the achievement of good governance requires larger representation and more effective participation of non-indigenous (i.e. non-Sidama) ethnic communities in city government. The objective behind the 2003 decision to remove Hawassa from the control of the Sidama Zone and to make the city directly accountable to the regional government was the establishment of a more ethnically inclusive city government reflective of the multi-ethnic composition of the city's population. Proclamation No. 167/2017 offers opportunities in this regard since it leaves significant space for non-Sidama representation in the city council.

Nonetheless, this study has shown that the city council membership is predominantly composed of individuals with Sidama identity. This in turn contributes to Sidama dominance over the mayor's committee, since the latter institution's membership is recommended by the Sidama mayor and subsequently approved by the city council. The article has argued that the disproportionate representation of the Sidama ethnic group in the city council and mayor's committee stems mainly from the local and regional party-political dominance of the SEPDM, a situation that favors Sidama candidates for city council membership.

Although this has led to Sidama dominance over the city government, its sustainability is questionable since it depends on the SEPDM's continued monopolization of the city's political scene. It is to be expected, bearing in mind recent political developments in the country, that future local elections will witness strong political competition. This political competition is likely to come from both ethnic-based and multi-ethnic political parties that may field both Sidama and non-Sidama candidates. The continued application of the plurality electoral system and the high degree of ethnic politicization currently prevalent across the country are likely to engender the election of non-Sidama candidates in the urban *kebeles*/electoral constituencies, considering the numerical dominance of non-indigenous groups in these areas. Stronger electoral competition is therefore likely to incentivize the SEPDM to field a larger number of non-Sidama candidates as well. Hence, the mere factor of stronger electoral competition will lead to ethnically more proportionate and equitable city institutions. Since such a scenario would arouse Sidama fears of being disempowered in "their" city, it is recommended that they be offered legal assurances of continued political power, lest their fear leads to socio-political instability and conflict.

Another concern is the lack of effective oversight of the executive by the city council. Although it is obvious that the representation of different political parties in the council would strengthen its oversight role, even in the absence of political pluralism it is possible for the ruling party to encourage its members in the city council to be more assertive in the exercise of their mandate. Admittedly, this may be too much to ask considering the fact that many members of the city council hold professional positions in the city administration as well. One way of incentivizing councillors to be more assertive could be the legal grant of immunity to councillors for opinions expressed or votes cast in the council. Another mechanism could be to legally prohibit a city administration employee from becoming a councillor, following the South African example. Reducing the huge financial discrepancy between the city council and executive is a political measure that would provide the councillors with the necessary material and human resources to discharge their responsibilities effectively.

The development of effective accountability mechanisms also requires legal clarification of the executive's upward accountability. While local self-rule entails discretionary decision-making pow-

er, this discretion is not without limits, which should be guarded by the hierarchically superior government (Yilmaz, et al., 2010, p. 262). However, it is important that a balance be struck between upward accountability and discretion, so that the former does not void the latter. The Southern urban local government law does not offer this guarantee, since the scope of the upward accountability of the city council to the regional government and of the mayor to the regional president is nebulous. Lack of legal clarity currently allows the regional government to interfere extensively with local government autonomy, control which is based nevertheless on close party ties rather than formal legal mechanisms of vertical accountability. A changing political environment mandates a legal elucidation of the substance of upward accountability as well as of the remedies for upholding it, this to prevent local government autonomy from degenerating into local tyranny.

A further mechanism to prevent local tyranny and uphold the rule of law is contained in the checks and balances offered by the judiciary. The city administrative courts have potential in this regard, but the law should include clear appointment criteria restraining the discretion of the mayor and city council in nominating and approving candidates for judgeship. Additional mechanisms to ensure judicial independence and accountability, such as procedures for disciplinary measures, should also be developed and legally guaranteed.

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